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7 *Attorneys for Defendant*
8 *Sam's West, Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

11 DONNA M. SMITH, an individual,

12 Plaintiff,

13 v.

14 SAM'S WEST, INC. a foreign corporation;
DOES I through X; and ROE
CORPORATIONS I through X inclusive,

15 Defendants.

Case No.: 2:18-cv-00957-JCM-PAL

**STIPULATION AND [PROPOSED]
ORDER FOR LEAVE TO CONDUCT
CERTAIN DISCOVERY OUTSIDE THE
DISCOVERY PERIOD**

17 Plaintiff DONNA M. SMITH (hereinafter "Plaintiff") and Defendant SAM'S WEST, INC.
18 (hereinafter "Defendant" or "Sam's West"), by and through their respective counsel of record, do
19 hereby stipulate to conduct certain discovery outside the discovery period. Specifically, the parties
20 stipulate that **Plaintiff shall take the depositions of Defendant's employees, SHIRLEY COX,**
21 **MARGARET MURPHY & GREG HAWLEY by December 15, 2018.**

DISCOVERY COMPLETED TO DATE

- 23 • The parties conducted an FRCP 26(f) conference on August 8, 2018.
- 24 • The parties have served and exchanged their respective FRCP 26(a) disclosures. Plaintiff made
25 her initial disclosures on August 24, 2018, and has since served five supplements. Defendant
26 made its initial disclosures on October 24, 2018, and has since served two supplements.
- 27 • On August 24, 2018, Plaintiff served upon Defendant one set of Requests for Admissions, one
28 set of Interrogatories and one set of Requests for Production of Documents. Defendant's

position is that it has served responses. Plaintiff's does not agree with Defendant's position that timely or proper responses were served, and defers to the motions pending before the Court on these issues.

- On October 23, 2018, Defendant served upon Plaintiff one set of Requests for Admissions, one set of Interrogatories and one set of Requests for Production of Documents. Plaintiff has objected to the timeliness of these requests.
- Plaintiff made her expert disclosures on September 24, 2018.
- Defendant has obtained executed authorizations from Plaintiff and has commenced and completed the process of subpoenaing and receiving records from Plaintiff's providers.
- Plaintiff timely noticed the depositions of several of Defendant's employees and Defendant's 30(b)(6) witness. Plaintiff noticed the first of these depositions for November 1, 2018, but those two depositions were vacated and rescheduled at the request of Defendant. Currently, the depositions of Defendant's employees and 30(b)(6) witness is scheduled for November 16-20, 2018.
- Plaintiff has also noticed a fact witness deposition, currently scheduled for November 19, 2018.
- Defendant has noticed Plaintiff's deposition, which will go forward on November 21, 2018.

DISCOVERY TO BE COMPLETED OUTSIDE THE DISCOVERY PERIOD

Discovery to be completed includes:

- Plaintiff's deposition of Defendant's employees SHIRLEY COX, MARGARET MURPHY & GREG HAWLEY, that are currently scheduled for November 16, 2018;

The parties aver that good cause exists for the request pursuant to Local Rule 2.25. Plaintiff timely noticed each respective Defendant employee for deposition prior the discovery period. However, with Thanksgiving and Black Friday approaching, said depositions are unable to go forward due to each Defendant employee's work schedule. Understanding that Plaintiff wishes to take and has reserved the right to depose each named Defendant employee, Defendant agrees that the depositions of SHIRLEY COX, MARGARET MURPHY & GREG HAWLEY will be vacated and re-noticed and occur before December 15, 2018.

1 The parties aver that this request is made by the parties in good faith and not for the purpose of
2 delay.

3 Continued from last page.

4
5 DATED this 15th day of November, 2018.

6 **MAIER GUTIERREZ & ASSOCIATES**

7 */s/ Jason R. Maier*

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10 STEVEN G. KNAUSS, ESQ.
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13 Las Vegas, Nevada 89148

14 *Attorneys for Plaintiff*

15 **IT IS SO ORDERED.**

DATED this 15th day of November, 2018.

PHILLIPS, SPALLAS & ANGSTADT, LLC

/s/ Timothy D. Kuhls

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17 
UNITED STATES MAGISTRATE JUDGE

18 **DATED:** November 20, 2018

19
20 Respectfully submitted:
21 **PHILLIPS, SPALLAS & ANGSTADT LLC**

22 */s/ Timothy D. Kuhls*

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